

Georgia Department of Human Resources Division of Aging Services

Section 100

Administrative Guidelines and Requirements for Area Agencies on Aging

§106 Public Input Requirements for Area Agencies on Aging

September 2003

§106.1 Scope

These guidelines provide procedures to be used by area agencies on aging in planning for and conducting periodic¹ public hearings, as required by the Older Americans Act, and provide for additional methods of gathering public input.

§106.2 Area Agency Responsibilities

Area agencies shall:

- (a) conduct public hearings on the area plan at strategic locations in their planning and service areas to ensure that public comment from the largest number of older persons, service providers, elected officials and the general public can be obtained;
- (b) give sufficient, adequate and timely notice of the times, dates and locations of the public hearings to older persons, service providers, elected officials and the general public to give interested parties reasonable opportunity to attend and provide comment;
- (c) make public notices and news releases available in English and any other languages spoken by older persons with limited English proficiency, where such people are identified in the planning and service area;
- (d) maintain documentation of the public hearing proceedings by registration of the participants and recorded, written comments on the issues presented by persons attending the hearing.

§106.3 Coordination

Area agencies are encouraged to the extent possible to furnish the particulars regarding date, time and location of public hearings, and other such public events, to the Division, for publication in the DAS Planning Calendar, and to interested individuals and entities within the regions sufficiently in advance to permit a reasonable time to allow service providers, elected officials and the elderly residents the optimal opportunity to attend. To the extent possible, AAAs are encouraged to further coordinate within the statewide network to avoid scheduling hearings on the same days in different locations around the state.

¹ "Periodic" is defined as at least once each fiscal year. Department of Health and Human Services Office of Human Services Development, 45 CFR Part 1321.3

§106.4 Supplemental Hearings Area agencies shall conduct additional public hearings on the area plans when there is a change in the scope of services, when implementation of new or revised Federal or State statutes or regulations affecting service delivery have been published, or when there is a material change in any law, organization, policy or state agency operation, which subsequently materially affects service delivery.

§106.5 Hearings Required for Direct Services

Area agencies shall conduct hearings prior to requesting waivers from the Division to provide services directly, when those services are not currently authorized through an approved area plan. Agencies shall use the same procedures as for area plan hearings.²

§106.6 Hearings Required for Waiver of "Adequate Proportion" Requirement

Before the Division can consider approving a waiver of the requirement that agencies budget an adequate proportion of Title III-B funds for priority services, an Area Agency desiring approval of such a waiver must provide documentation that it has held a timely public hearing on the matter and of all comments received.³

§106.7 Additional Methods of Obtaining Public Input

- (a) In addition to meeting the minimum statutory requirements of the Older Americans Act for conducting public hearings, in order to broaden the range of public input, Area Agencies may use input obtained from consumers, potential consumers and the general public through alternative methods. Such formats and sources of input may include, but are not limited to, focus groups; small discussion groups; town hall meetings; compilations of responses to interactive websites; and telephone and paper surveys.
- (b) In areas in which there are significant numbers of older persons whose primary language is not English, in addition to providing notice of public hearings in appropriate languages, agencies will develop strategies to provide alternative methods for such persons to give input in the languages with which they are most proficient.

² See also §102.13, Area Agency on Aging Administration and Operations, "Provision of Services by Area Agencies on Aging.

³ See also §104.14, Area Agency on Aging Fiscal Responsibilities, "Adequate Proportion or Minimum Percents for Older Americans Act Priority Services."

- (c) Agencies will develop strategies for obtaining input from consumers of such long term care services as personal care homes and nursing homes, and their families.

§106.8 Records

Information and input from public hearings, and other sources and formats, are matters of public record, subject to retention on file in accordance with standard records management requirements. Area agencies will be able to demonstrate that the data obtained through the public input process is used in the preparation of the area plan and for the development of programs and related policies for that plan period.

Effective Date:

Upon issuance. Area Agencies shall have a reasonable period of time to develop and implement, or review and amend existing policies and procedures and to assure that providers and program participants are fully aware of the local policies and procedures and guidelines and requirements transmitted by this chapter